IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE SMT JUSTICE T.MEENA KUMARI**

**and**
**THE HON'BLE SRI JUSTICE S.ANANDA REDDY**

**WRIT APPEAL NO : 105 of 2004**

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 19/11/2003 in WP NO : 14042 OF 1994 on the file of the High Court.)

Between:

1 The Secretary to Government, Education Department, A.P., Hyderabad.
2 The Director of School Education, AP. Hyderabad

**..... APPELLANTS/**

**RESPONDENTS 1&2**

AND

1 K. Vijaya Vani, w/o Anjaneyulu, Grade II Hindi Pandit, Kamala Memorial UP School, Prakasham Nagar, Narasaraopet, Guntur District
2 The Secretary & Correspondent, Kamala Memorial UP School, Prakashamnagar, Narasaraopet, Guntur District
3 The Secretary & Correspondent, Kamala Memorial UP School, Prakashamnagar, Narasaraopet, Guntur District

(R2 & R3 are not necessary parties in this writ appeal)

**.....RESPONDENTS**

**Counsel for the Appellants: GP FOR SCHOOL EDUCATION**

**Counsel for the Respondent No.1 : MR.J.P.SRIKANTH**

**The Court made the following :**

**JUDGMENT(**per Hon'ble Smt Justice T. Meena Kumari):

Heard both sides. At their request the main writ appeal itself is taken up for disposal.

The present writ appeal is filed challenging the order of the learned Single Judge of this Court dated 19-11-2003 passed in W.P. No. 1402 of 1994.

Learned Government Pleader appearing on behalf of the appellants submitted that they are aggrieved of the last paragraph of the order under challenge with reference to the observations made therein that _

> "the action of the respondents in not admitting the post in which the petitioner is working as Hindi Pundit Grade-II all these years, cannot be sustained in law. Hence, a direction is given to the petitioner to submit a representation seeking relaxation of the educational qualification within one week from today and the Principal Secretary shall pass appropriate orders on her application within three months thereafter, keeping in view of the observations made by this Court in this Writ Petition."

Learned Government Pleader further argued that the petitioner may be permitted to submit a representation to the Principal Secretary for passing appropriate orders without being influenced by any of the observations made by the learned Single Judge in the writ petition, for which the learned counsel for the 1st respondent herein also agreed and sought for such observation in the present appeal.

We see some force in the contention raised by the learned counsel on both sides and accordingly we modify the order passed by the learned single Judge to the effect that the writ petitioner is given liberty to make a representation seeking relaxation of the educational qualification, within four weeks from the date of receipt of a copy of this order, and the Principal Secretary shall pass appropriate orders on her application, within three months thereafter, in accordance with Rules and also taking into consideration of GOMs.No. 1 Education (P.S.I) Department, dated 1st January 1999.

With the above said observations, we modify the order of the learned single judge to the extent indicated above, and dispose of the writ appeal. No costs.

(T. MEENA KUMARI, J)

7-12-2004

(S. ANANDA REDDY, J)

Kvrk

To

1 The Secretary to Government, Education Department, A.P., Secretariat Hyderabad.
2 The Director of School Education, AP. Hyderabad

3 Two CCs to GP for School Education, High Court Buildings,

Hyderabad (OUT).

4. Two CD copies.